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COUNSEL LISTED ON SIGNATURE PAGES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT** **[PATENT LOCAL RULE 4-3]** Judge: Honorable James Ware

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Pursuant to the Court's Order Following Case Management Conference, the parties to these actions hereby submit this Joint Claim Construction and Prehearing Statement in accordance with Patent Local Rule 4-3.

Disputed Term	**Plaintiff's Proposed Construction**	**Defendants' Proposed Construction**
Transmission System	**"an assembly of elements, hardware and software, that function together to convert items of information for storage in a computer compatible form and subsequent transmission to a reception system, the transmission system being located in one or more facilities."** The intrinsic patent evidence on which Acacia shall rely to support this construction is set forth in Acacia's Motion for Reconsideration, filed on July 29, 2005.	**"an assembly of elements, hardware and software, that function together to convert items of information for storage in a computer compatible form and subsequent transmission to a reception system."** The intrinsic patent evidence on which defendants shall rely to support this construction is set forth in defendants' opposition to Acacia's Motion for Reconsideration, filed on August 25, 2005.
Transmission system at a first location	**"a transmission system at one or more locations separate from the location of the reception system."** The intrinsic patent evidence on which Acacia shall rely to support this construction is set forth in Acacia's Motion for Reconsideration, filed on July 29, 2005.	**"a transmission system at one particular location separate from the location of the reception system."** The intrinsic patent evidence on which defendants shall rely to support this construction is set forth in defendants' opposition to Acacia's Motion for Reconsideration, filed on August 25, 2005.
Reception system at a second location	**"a reception system at one or more than one location separate from the transmission system."** The intrinsic patent evidence on which Acacia shall rely to support this construction is set forth in Acacia's Motion for Reconsideration, filed on July 29, 2005.	**"a reception system at one particular location separate from the transmission system."** The intrinsic patent evidence on which defendants shall rely to support this construction is set forth in defendants' opposition to Acacia's Motion for Reconsideration, filed on August 25, 2005.

Disputed Term	**Plaintiff's Proposed Construction**	**Defendants' Proposed Construction**
Sequence encoder	In claims 1, 17, 18, and 32: **"a time encoder."** In claims 7 and 33: **"a time encoder that transforms digital data blocks into a group of addressable data blocks."** The intrinsic patent evidence and extrinsic expert testimony on which Acacia shall rely to support this construction is set forth in Acacia's Motion for Reconsideration, filed on July 29, 2005.	**Indefinite in all claims.** The intrinsic patent evidence and expert testimony on which defendants shall rely to support this construction is set forth in defendants' opposition to Acacia's Motion for Reconsideration, filed on August 25, 2005.
Identification encoder	**"a structure that assigns a unique identification code."** The intrinsic patent evidence and extrinsic expert testimony on which Acacia shall rely to support this construction is set forth in Acacia's Motion for Reconsideration, filed on July 29, 2005.	**Indefinite in all claims.** The intrinsic patent evidence and expert testimony on which defendants shall rely to support this construction is set forth in defendants' opposition to Acacia's Motion for Reconsideration, filed on August 25, 2005.
In data communication with	**"two or more devices connected while data is being transferred between the devices."**	**"two or more devices connected while data is being transferred between the devices."**
Remote Locations	**"positions or sites distant in space from the transmission system."** The intrinsic patent evidence on which Acacia shall rely to support this construction is set forth in Acacia's opposition to defendants' Motion for Reconsideration, filed on August 25, 2005.	**"a location remote from the requesting site."** The intrinsic patent evidence on which defendants shall rely to support this construction is set forth in defendants' Motion for Reconsideration, filed on July 29, 2005.
Transceiver	**"a singular device capable of both sending and receiving information"** The intrinsic patent evidence on which Acacia shall rely to support this construction is set forth in	**"a singular device that interfaces with a single communication medium and that is capable of sending and receiving data over that communication medium."** The intrinsic patent evidence and

Disputed Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
	Acacia's opposition to defendants' Motion for Reconsideration, filed on August 25, 2005.	expert testimony on which defendants shall rely to support this construction is set forth in defendants' Motion for Reconsideration, filed on July 29, 2005.

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